

一三、滿洲ニ關スル日清條約附屬取極

(一月十四日發表)

明治三十八年滿洲ニ關スル條約及同上附屬協定締結ノ際我方ヨリ一定ノ約束事項ヲ條約文中ニ挿入セムコトヲ主張シタル處清國側ニ於テ對内關係上之ヲ條約文トシテ公ニスルコトヲ困難トスル事情アリタルニ依リ日清兩國全權委員ノ記名調印セル日清兩國文ノ會議録中ニ記入スルニ止メ之ヲ公表セザリシモノ合計十六個條アリ尙右會議録所載ノ取極十六個條ノ要領英譯文ハ明治三十九年二月帝國政府ヨリ英米兩國政府ニ對シ極秘トシテ内報セリ然ルニ坊間本件會議録所載ノ取極十六個條ノ存否等ニ付種々誤解ヲ抱クモノアルヤニ認メラルルノミナラス從來支那人等ニシテ明カニ之ヲ否定セルモノ尠カラス又最近支那新聞ハ支那外交當局ニ於テ正式ニ本件會議録ノ存在ヲ否認セル旨報シ居ル關係モアルニ付茲ニ右十六個條日本文、支那文及前記英米兩國政府ニ内報セラレタル要領英譯文ヲ公表スルモノナリ

第一、日本文

一、長春吉林間鐵道ハ清國自ラ資金ヲ調ヘテ築造スヘク不足ノ額ハ日本國ヨリ借入ルコトヲ承諾

一〇五  
ス其ノ金額ハ資金ノ約半額ナリトス借款辦法ハ時ニ及テ清國山海關内外鐵道局ト清英組合トノ借款契約ニ仿照シテ參酌商訂スヘク二十五箇年ヲ以テ年賦完済ノ期ト爲ス  
清國政府ハ吉林地方ニ於テ別國人ニ鐵道敷設權ヲ與ヘ若クハ別國人ト共同シテ鐵道ヲ敷設スルコトハ斷シテ之ナシ

二、奉天府新民屯間ニ日本國ノ敷設セル軍用鐵道ハ兩國政府ヨリ委員ヲ派遣シ公平ニ代價ヲ協議シテ清國ニ賣渡スヘシ清國ハ之ヲ改築シテ自營鐵道ト爲シ遼河以東ニ要スル資金ハ日本ノ會社ヨリ其ノ半額ヲ借入レ十八箇年ヲ以テ年賦完済ノ期ト爲シ其ノ借款辦法ハ清國山海關内外鐵道局ト清英組合トノ借款契約ニ仿照シ參酌商訂スヘキコトヲ承諾ス此ノ他各地ニ於ケル軍用鐵道ハ撤兵ノ際總テ取除クヘキモノトス

三、清國政府ハ南滿洲鐵道ノ利益ヲ保護スルノ目的ヲ以テ該鐵道ヲ未タ回收セサル以前ニ於テハ該鐵道附近ニ之ト併行スル幹線又ハ該鐵道ノ利益ヲ害スヘキ枝線ヲ敷設セサルコトヲ承諾ス

四、清國ハ滿洲北部ニ於テ露國カ引續キ所有スル鐵道ニ關シ露國ヲシテ清露條約ニ照シ努メテ遵行セシムルタメ充分ノ措置ヲ執リ若シ露國ニシテ條約ニ違反セル行動ヲナサハ清國ヨリ露國ニ嚴重ニ照會シテ之ヲ匡サシムヘキ精神ナルコトヲ聲明ス

五、將來日露兩國ニ於テ接續鐵道業務規定ノ爲商議スル時機ニ至ラハ日本國ハ豫メ之ヲ清國ニ通知スヘシ清國ハ其ノ時機ニ至リ委員ヲ派遣シテ該商議ニ加ハラント欲スルノ意ヲ露國ニ通牒ノ上同時ニ該商議ニ參與スヘシ

六、鐵道ニ附屬スル奉天省内ノ礦物ハ既ニ採掘ニ着手シタルト否トニ拘ハラズ公平且詳細ノ章程ヲ取極メ以テ相互遵守ニ便ナラシムヘシ

七、奉天省内ニ於ケル陸上電信線及旅順烟臺間海底電信線ニ關スル接續交渉事務ハ隨時必要ニ從ヒ兩國協議シテ處置スヘシ

八、開市場設立ニ關スル規則ハ清國ニ於テ自ラ定ムヘシ但シ北京駐在日公使ト協議スルヲ要ス

九、松花江航行ノ件ニ關シ露國ニ於テ異議ナキトキハ清國ニ於テモ之ヲ商議ノ上承諾スヘキコト  
十、清國全權委員ハ滿洲ヨリ日露兩國撤兵ノ後直ニ進ンテ該地方ニ於テ其ノ主權ニヨリ完全ナル經營ヲ爲シ以テ治安ヲ期シ且其ノ主權ニヨリ同地方ニ於テ利ヲ興シ弊ヲ除キ着實ニ整頓ヲ行ヒ内外臣民ヲシテ生活及營業ノ安全ヲ得テ等シク清國政府ヨリ完全ノ保護ヲ享ケシムヘキコトヲ聲明ス其ノ整頓ノ方法ニ就テハ總テ清國政府自ラ適宜ノ措置ヲ行フヘキモノトス

十一、清國ト日本國トハ素ヨリ友誼敦厚ナリ今回日露兩國不幸ニシテ和ヲ失シ清國領土ニ於テ交戦スルニ至リタルモ今ヤ既ニ平和成立シ滿洲ニ於テハ戰爭ナキニ至レリ而シテ撤退以前ノ日本軍隊ハ依然占領ノ權アリト雖近來日本國臣民カ滿洲ニ在リテ時々清國地方官ノ行政ニ干預シ又ハ清國公私財産ヲ毀損スルコトアル旨ヲ清國政府ニ於テ聲明ス日本國全權委員モ亦若シ果シテ軍事必要以外ニ於テ此ノ如キコトアラハ至當ノ行爲ニアラスト認ムルヲ以テ此ノ聲明ノ意思ヲ日本國政府ニ轉達シテ速ニ相當ノ處置ヲ執リ奉天省ニ在ル日本國臣民ヲ取締リ益交誼ヲ敦クシ軍事必要以外ニ於テ再ヒ清國ノ行政ニ干預シ又ハ公私ノ財産ヲ毀損スルコトナカラシムヘキ旨ヲ聲明ス

十二、軍費用以外ニ於テ日本國臣民カ故意ニ破壞シ若クハ使用セル清國公私ノ各種財産ニ對シテハ兩國政府ニ於テ夫々調査ノ上公平ニ償還セシムヘシ

十三、清國地方官未タ日本軍隊ノ撤兵ヲ了セサル地方ニ於テ兵ヲ派シ土匪ヲ討伐スルトキハ必ス豫メ其ノ地方駐在日軍司令官ト協議シ以テ誤解ヲ免レシムヘシ

十四、日本國全權委員ハ長春ヨリ旅順大連租借地境界ニ至ル鐵道守備兵ハ其ノ撤退以前ニ在リテ漫ニ清國地方行政權ニ牽礙セス又擅ニ鐵道區域外ニ出テサルヘキコトヲ聲明ス

十五、營口ニ駐在スヘキ清國地方官ハ日本軍隊該地撤退以前ト雖本條約確定ノ後北京駐在日本國公使清國外務部ト協議シテ可成速ニ赴任ノ期日ヲ定メ該地ニ赴キ事務ヲ執ラシムヘシ該地ニハ尙多數ノ日本軍隊アルヲ以テ檢疫及防疫規則ヲ兩國ニ於テ協議制定シ以テ疫病ノ傳染ヲ免レンムヘシ

十六、營口海關收入ハ正金銀行ニ保管シ置キ撤兵ノ時清國地方官ニ交付スルコト營口常關收入及其ノ他各地ノ收稅ハ凡テ地方公共ノ費用ニ充テラルルモノニシテ撤兵ノ時其ノ收支計算表ヲ清國地方官ニ交付スルコト

第二、支那文

一、由長春至吉林省城鐵路由中國自行籌款築造不敷之數允向日本國貸借約以半數爲度其借款辦法屆時仿照中國山海關內外鐵路局向中英公司借款合同參酌商訂以二十五年爲分還完畢之期  
中國政府在吉林地方准與別國人造路之權或與別國人合辦造路斷無其事

二、由奉天省城至新民府日本國所築造行軍軌路應由兩國政府派員公平議價售與中國另由中國改爲自造鐵路允在遼河以東所需款項向日本公司貸借一半之數分十八年爲借款還清之期其借款辦法屆

時仍照中國山海關內外鐵路局向中英公司借款合同參酌商訂此外各處軍用軌路俟屆撤兵時應一律撤去

一〇八

三、中國政府為維持東省鐵路利益起見於未收回該路之前允於該路附近不築並行幹路及有損於該路利益之枝路

四、中國政府聲明俄國在滿洲北方仍舊經營之鐵路須由中國確切措辦以期務令俄國按照中俄原約實力遵行俄國設有違礙條約之舉動應由中國嚴責駁正為旨

五、俟將來日俄商議聯絡鐵路章程時由日本先行知會中國中國屆期可將欲派員會議之意知會俄國同時與議

六、奉省附屬鐵路之鑛產無論已開未開均應妥訂公允詳細章程以便彼此遵守

七、嗣後凡有關乎奉天省陸綫暨旅煙海綫交接事件可隨時隨事彼此商定辦法

八、開埠章程應由中國自定但須與駐京日本公使妥商

九、如松花江行船之件俄國無異議則中國亦可商允

十、中國全權大臣聲明自願俟東三省日俄兩國撤兵後即將撤兵地方按自治全權妥籌經理以期治安並按自治全權在東三省地方與利除弊認真整頓使中外民商得安居樂業同享中國政府安實保護之益至

應如何整頓辦法悉由中國政府自行酌辦

十一、中國政府聲明中國與日本國素敦友睦此次日俄不幸失和知係在中疆土構兵現日俄既經修好在東三省已無戰事日本國待撤之兵隊雖仍有佔守通例乃近日日本國臣民在奉天省時有干預中國地方官吏治暨損壞中國公私產業等情其係並非軍用必需品有此項事件在日本全權大臣亦視為非所應為允將此聲明各意傳達日本政府迅速設法約束在奉天省之日本臣民益加敦睦其係並非軍用必需品勿致再有干預中國治暨損壞官民產業各事

十二、凡軍用必需以外所有日本臣民若有意損壞取用中國官民各項產業應由兩國政府查明秉公分別飭令補還

十三、中國地方官在未撤兵地方派兵勦匪須先商酌日本駐紮武官以免誤會

十四、日本國全權大臣聲明駐留由長春至旅大借地界之護路兵隊在未撤以前不至輒行牽礙中國地方治理之權亦不擅出沿鐵路界限以外

十五、向駐營口之地方官雖在日本軍隊由該處撤退以前侯此約一定後應由駐京日本公使會同外務部從速訂立日期俾使原有之中國地方官迅速赴任視事至因該埠日本軍隊尚多務須商同訂立防疫防疫章程以免傳染

一〇九

十六、所有營口洋關所徵稅項現歸日本國正金銀行收存應俟屆撤兵時交中國地方官查收至於營口常關所徵稅項以及各地方捐款原係充作地方公共各事之用亦俟屆撤兵時將收支單開交中國地方官備案

第三、英譯文(次項英文發表文ニマソツ仍テ省略ス)

SUPPLEMENTARY AGREEMENT TO THE SINO-JAPANESE TREATY  
CONCERNING MANCHURIA OF 1905. (PUBLISHED ON  
JANUARY 14TH, 1932.)

In 1905, when the Treaty concerning Manchuria and the supplementary agreement to it were concluded, the Japanese Government insisted on the insertion in the text of the Treaty definite engagements on certain matters. Since, however, the Chinese Government found it difficult for internal political reasons to consent to the publication of such engagements, it was agreed that these should be merely recorded in the Minutes of the Conference, which were drawn up both in Japanese and Chinese and signed by the Japanese and Chinese plenipotentiaries. These unpublished under-

standings totaled sixteen in number. An English version summarising these provisions was submitted, in February, 1906, to the British and the United States Governments in strict confidence by the Japanese Government.

Inasmuch as there seems to be some doubt as to the existence of these understandings in the Minutes of the Conference, and as people even in positions of influence in China have openly denied it, this Government think the present a fit occasion to publish the above-mentioned communication made to the Governments of Great Britain and the United States.

Whereas the protocols of the Conference recently held between the Plenipotentiaries of Japan and China with regard to Manchuria are to be kept strictly secret in deference to the desire of the Chinese Government, only such portions of those Protocols as possess the character of executory agreements are given in the following summary:

1. The railway between Changchun and Kirin will be constructed by China with capital to be raised by herself. She, however, agrees to borrow from Japan the insufficient amount of capital, which amount being about one-half of the total sum required. The contract concerning the loan shall, in due time, be concluded, following *mutatis mutandis*, the loan contract entered into between the board of the

Imperial Railways of North China and the Anglo-Chinese syndicate. The term of the loan shall be twenty-five years, redeemable in yearly instalments.

2. The military railway constructed by Japan between Mukden and Hsimumintun shall be sold to China at a price to be fairly determined in consultation by Commissioners appointed for the purpose by the two Governments. China engages to reconstruct the line, making it her own railway, and to borrow from a Japanese corporation or corporations one half of the capital required for the portion of the line east of Liao-ho for a term of eighteen years repayable in yearly instalments, and a contract shall be concluded, for the purpose following, *mutatis mutandis*, the loan contract entered into between the Board of the Imperial Railways of North China and the Anglo-Chinese Syndicate.

All the other military railways in different localities shall be removed with the evacuation of the regions.

3. The Chinese Government engage, for the purpose of protecting the interest of the South Manchuria Railway, not to construct, prior to the recovery by them of the said railway, any main line in the neighborhood of and parallel to that railway, or any branch line which might be prejudicial to the interest of the above-mentioned railway.

4. China declares that she will adopt sufficient measures for securing Russia's faithful observance of the Russo-Chinese treaties with regard to the railways which Russia continues to possess in the northern part of Manchuria, and that it is her intention, in case Russia acts in contravention of such treaty stipulations, to approach her strongly with a view to have such action fully rectified.

5. When in the future, negotiations are to be opened between Japan and Russia for regulation of the connecting railway services (Article VIII of the Treaty of Peace between Japan and Russia), Japan shall give China previous notice. China shall communicate to Russia her desire to take part in the negotiations through commissioners to be despatched by her on the occasion, and Russia consenting shall participate in such negotiations.

6. With regard to the mines in the Province of Fengtien, appertaining to the railway, whether already worked or not, fair and detailed arrangements shall be agreed upon for mutual observance.

7. The affairs relating to the connecting services as well as those of common concern in respect of the telegraph lines in the Province of Fengtien, and the cables between Port Arthur and Yentai shall be arranged from time to time as necessity may arise in consultation between the two countries.

8. The regulations respecting the places to be opened in Manchuria, shall be made by China herself, but the Japanese Minister at Peking must be previously consulted regarding the matter.

9. If no objection be offered on the part of Russia respecting the navigation of the Sungari (by Japanese vessels), China shall consent to such navigation after negotiations.

10. The Chinese Plenipotentiaries declare that immediately after the withdrawal of the Japanese and Russian troop from Manchuria, China will proceed to take, in virtue of her sovereign right, full administrative measures to guarantee peace in that region and endeavor, by the same right, to promote good and remove evil as well as steadily to restore order, so that the residents of that region, natives and foreigners, may equally enjoy the security of life and occupation under the perfect protection of the Chinese Government. As to the means of restoring order, the Chinese Government are to take by themselves all adequate measures.

11. While relations of intimate friendship subsisted as at the present time between China and Japan, Japan and Russia had unfortunately engaged in war and fought in the territory of China. But peace has now been reestablished and hostilities in Manchuria have ceased. And while it is undeniable that Japanese troops, before their withdrawal, have the power of exercising the rights accruing from mili-

tary occupation, the Chinese Government declare that certain Japanese subjects in Manchuria have recently been observed to sometimes interfere with the local Chinese administration and to inflict damage to public and private property of China.

The Japanese Plenipotentiaries, considering that, should such interference and infliction of damage have been carried beyond military necessity, they are not proper acts, declare that they will communicate the purport of the above declaration of the Chinese Government to the Government of Japan, so that proper steps may be taken for controlling Japanese subjects in the Province of Fengtien and promote the friendly relations between the two nations, and also for preventing them in future, from interfering with the Chinese administration or inflicting damage to public or private property without military necessity.

12. In regard to any public or private property of China which may have been purposely destroyed or used by Japanese subjects without any military necessity, the Governments of the two countries shall respectively make investigations and cause fair reparation to be made.

13. When the Chinese local authorities intend to despatch troops for the purpose of subduing native bandits in the regions not yet completely evacuated by Japanese troops, they shall not fail to previously consult with the Commander of the Japanese troops stationed in those regions so that all misunderstandings may be avoided.

14. The Japanese Plenipotentiaries declare that the Railway Guards stationed between Changchun and the boundary line of the leased territory of Port Arthur and Talien, shall not be allowed, before their withdrawal, to unreasonably interfere with the local administration of China or to proceed without permission beyond the limits of the railway.

15. Chinese local authorities, who are to reside at Inkou, shall be allowed, even before the withdrawal of the Japanese troops, to proceed to that place and transact their official business. The date of their departure is to be determined, as soon as possible after the definite conclusion of this Treaty, by the Japanese Minister to China in consultation with the Waiwupu. As there is still in that place a considerable number of Japanese troops, quarantine regulations as well as regulations for the prevention of contagious diseases, shall be established by the authorities of the two countries in consultation with each other so that epidemics may be avoided.

16. The revenue of the Maritime Customs at Yingkou shall be deposited with the Yokohama Specie Bank and delivered to the Chinese local authorities at the time of evacuation. As to the revenue of the native Customs at that place, and the taxes and imposts at all other places, which are to be appropriated for local expenditures, a statement of receipts and expenditures shall be delivered to the Chinese local authorities at the time of evacuation.

#### 二四、米國大使通牒（一月八日附）ニ對スル

帝國外相回答（一月十六日附）

（一月十六日發表）

以書翰啓上致候陳者本月八日附貴翰御來示ノ次第ニ付テハ帝國政府ニ於テ最慎重ナル考慮ヲ相加  
候

帝國政府ハ華府諸條約並ニ不戰條約ノ完全ナル履行ヲ確保センコトヲ期スルモノニシテ右帝國政府ノ努力ニ對シテハ常ニ米國政府ノ全幅ノ支持アルヘキヲ確信シタリシカ今回改メテ右確信ノ誤ラサリシコトヲ確メ得タルハ帝國政府ノ欣幸トスル所ニ有之候

貴大使ノ特ニ言及セラレタル所謂門戶開放ノ政策ハ曩ニ屢々言明セル如ク帝國政府ニ於テ極東ニ關スル政策ノ樞軸ト認ムル所ナリ唯々憾ムラクハ支那全土ニ亘ル不安定ナル事態ノ爲右政策ノ效果著シク減殺セラレ居ル次第ナルモ帝國政府ハ其ノ力ノ及フ限り滿蒙ニ於テモ支那本部ニ於ケルト同様ニ門戶開放ノ政策ヲ維持セムコトヲ期スルモノニ有之候

帝國政府ハ貴翰中米國政府乃至米國人民ノ條約上ノ權利ヲ侵害シ若クハ千九百二十八年八月二十